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**FAIR LABOR STANDARDS ACT IMPLEMENTATION  
IN-HOME SUPPORTIVE SERVICES**

**UPDATE**

- The California Department of Social Services (CDSS) implemented two exemptions to the 66-hour workweek limit for providers.
  - Live-In Family Care Provider:
    - The exemption requires that the IHSS provider live with and providing care for multiple minor and/or adult children.
    - IHSS providers must have met these requirements on or before January 31, 2016 to be eligible for the exemption. These parent providers must request for an exemption from the State.
  - Extraordinary Circumstances:
    - The exemption requires the provider to work for two or more IHSS recipients whose circumstances put them at risk of out-of-home placement. The recipient must meet one of the following criteria:
      - Have complex medical and/or behavioral needs that must be met by the provider who currently lives with them;
      - Live in a rural or remote area where the availability of providers is limited and the consumer is unable to hire an additional provider; or
      - Is unable to hire an additional provider who speaks the consumer's language in order for the consumer to be able to direct their own care.
- On April 8, 2016, the State announced that they **would not terminate** providers who have not submitted a signed Provider Enrollment Agreement form to the County by **April 15, 2016**.
- There is no longer a consequence for not returning the form by April 15, 2016.
  - ✓ However, the form is still required and must be submitted to the County; and
  - ✓ The County must continue to outreach to IHSS providers to get the signed form.
- On April 27, 2016, the California Department of Health Care Services announced that they will extend the violation grace period for Waiver Personal Care Services (WPCS) participants and their providers, who provide IHSS or WPCS or both, from May 1, 2016 to September 1, 2016. Providers for WPCS will not receive any violations during this extended grace period.
  - ✓ This extension only applies to WPCS providers and does not include providers who service IHSS consumers.
- On June 3, 2016, CDSS announced that they extended the grace period to the end of June. Providers for the IHSS program will start receiving violations beginning July 1, 2016.